

McClellan Plans Bill on Wiretap Ruling

By MIRIAM OTTENBERG
Star Staff Writer

Sen. John L. McClellan, D-Ark. said today that unless a recent Supreme Court decision is amended through legislation, top-level criminals will escape punishment for their crimes, the national security will be endangered and innocent people will become targets for organized crime.

In a speech prepared for Senate delivery, he announced he was introducing a bill to "miti-

gate" what he termed the "harmful effects" of the court's ruling that where electronic surveillance is used, the entire logs of the operation must be turned over to the defense.

McClellan quoted Atty. Gen. John N. Mitchell as saying that the opinion covered all material, rather than only material relevant to the defense and "in some of these instances, national security is involved, and in some other instances, the very life and existence of witnesses are involved."

Preparing for hearings on the proposed legislation next week, McClellan found that since the Justice Department began checking on electronic surveillance in July 1965, it has made 6,750 inquiries and has participated in from 75 to 100 disclosure hearings.

As a result of these, McClellan was told, only two federal cases and one state case were dismissed because of tainted evidence—that is, evidence illegally obtained.

McClellan said the Justice Department is seriously concerned at the amount of time being consumed by prosecutors and judges on a policy which has produced so little in terms of tainted evidence.

He quoted Asst. Atty. Gen. Will Wilson, in charge of the Criminal Division, as objecting not only to the "wasteful consumption of manpower" but also the danger to individuals.

Wilson told the senator that court hearings stemming from the Supreme Court decision "have resulted in the disclosure of facts which have been pieced together by defendants in such a way as to enable them to identify sensitively placed and extremely valuable government informants, with resultant danger to the informants' lives."

Wilson said the department's

experience has shown that protective orders have not been effective.

To give the Senate some background on the defendants involved in this particular decision, McClellan briefly sketched the cases of Willie Israel Alderman and Felix (Milwaukee Phil) Alderisio who were convicted of conspiring to transmit murder threats in interstate commerce, and of Igor A. Ivanov and John William Butenko, who were convicted of espionage conspiracy.

McClellan identified Alderisio as a syndicate terrorist or "enforcer" and high level Cosa Nostra leader in the Chicago area. Alderman, McClellan said, is a "notorious hoodlum" who is said to have been responsible for at least 11 unsolved murders.

As for Butenko and Ivanov, McClellan said that when they were arrested, they were in possession of top secret defense papers, camouflaged microfilm cameras and two-way radios. He

said fear has been expressed that national security interests would be prejudiced by unnecessary revelation of details of counterespionage activities.

The bill introduced by McClellan with Sen. Roman Hruska, R-Kan., as a cosponsor, would require that only relevant files would be turned over to the defense. The courts would decide on a case-by-case basis what was relevant—weighing the danger to informants, the national interest and the prejudice to innocent third parties.

The measure would also put a five-year statute of limitations on the claim that tainted evidence was used to make a subsequent case. The Supreme Court had held that neither illegally obtained evidence nor its fruits could be used in trial.

McClellan contended that there can't be a relationship between an illegal act and subsequent events when more than five years intervenes.